

REMARKS

Applicants acknowledge the re-assignment of the present application to a new examiner per the Applicant's request. Applicants further acknowledge the newly assigned Examiner's prompt attention to this matter and greatly appreciates the Examiner's diligence and cooperation in the examination of the application.

I. Examiner Interview

The present amendments and remarks are submitted as a result of discussions with the Examiner which included an Examiner Interview which was held on December 29, 2004. A statement of the substance of the interview is submitted herein follows. Applicant submits that during the Examiner Interview, all pending claims were generally discussed, but claims 1, 14, 17, 19, 20, 67 and 68 were discussed with greater particularity than other pending claims. In the Examiner Interview, the prior art cited during prosecution was generally discussed. A double patenting rejection in view of U.S. Patent No. 6, 223,177 B1 was discussed, in response to which Applicants agreed to file a terminal disclaimer. In addition, amendments that would result in the allowability of the patent application were discussed and agreed upon as set forth by the amendments submitted herewith. Specifically, an agreement was reached to amend claims 1, 14, 17, 19, 20, 67, and 68. The Examiner agreed that, upon the amendment of the claims, as set forth by the amendments herein, and the submission of a terminal disclaimer, the claims would be in condition for allowance.

In a subsequent discussion with the Examiner, prior art cited by the Applicant on the subject of Lotus Notes and Lotus Domino was discussed with greater particularity and allowability over that prior art was explained

II. Status of the Claims of Patent Application

Claims 1-2 and 4-20 appear in this application. Claims 1, 14, 17, 19, and 20, have been amended in accordance with the substance of the examiner interview. Claims 67 and 68 are cancelled without prejudice.

III. Amendments

Applicant respectfully traversed the rejections presented in the Office Action dated October 5, 2004. To expedite the allowance of the present application, however, Applicants have revised the pending claims pursuant to the suggestion of the Examiner with respect to claims 1, 14, 17, and 19.

Amendments to the claims are being made solely to expedite prosecution of the present application and do not constitute an acquiescence to any of the rejections in the Office Action dated October 5, 2004. Support for amendments to the claims can be found throughout the application. The cancellation of claims 67 and 68 is submitted by the Applicants' own initiative. Upon entry of the Supplemental Amendment, claims 1-2 and 4-20 are pending in the present application.

The specification has also been amended to update the status of the parent applications of the present application. No new matter has been introduced by the specification or claim amendments so that they all should be entered at this time.

IV. Status of Petition to Correct Inventorship

On June 21, 2004, Applicants filed a Petition to Correct Inventorship. To date, Applicants have not received a response to the Petition. Applicants respectfully request the processing and approval of the Petition.

V. Terminal Disclaimer

As discussed in the Examiner Interview, to avoid any issue of obviousness-type double patenting, Applicants submit herewith a terminal disclaimer over U.S. Patent Application No. 09/195,905, which is now U.S. Patent No. 6,223,177. The '177 patent is assigned to Involv International Corporation as evidenced by the assignment and Certificate of Amendment attached hereto as Exhibit A. Involv International ("Involv") is also a joint owner of the present application with Brokercom, Inc.

The present application is a continuation-in-part of the application that issued as the '177 patent. As such, the present application contains subject matter that is common with the '177 patent and further includes new subject matter first presented by the Applicants when the present application was filed. The subject matter in the present application that is common with the subject matter of the '177

patent is owned by Involv by virtue of Involv's ownership of the '177 patent, while the new subject matter first presented in the present application is owned by Brokercom, Inc. by virtue of the assignment attached herewith as Exhibit B. As a result, Brokercom and Involv are joint owners with equal rights in the present application. As such, to the extent, that the present application claims subject matter that is supported by the '177 patent, Involv holds ownership to that subject matter and to the extent that the present application claims subject matter that is supported by the new subject matter submitted in the present application, Brokercom holds ownership to that subject matter. For example, claim 1 of the present application is clearly supported by the subject matter of the '177 patent including claim 1 of the '177 patent and as such, claim 1 is owned by Involv. Further by way of example, claim 11 is clearly supported only by the specification of the present application and as such, claim 11 is owned by Brokercom.

Accordingly, at the minimum, due to Involv having ownership in both the '177 patent and the present application, Involv can comply with the terms of the terminal disclaimer as set forth in 37 C.F.R. 1.321. As such, Involv agrees that any patent granted on the present application shall be enforceable only for and during such period that the legal title to said patent is commonly owned with the '177 patent. As such, a Terminal Disclaimer is submitted herewith on behalf of the Applicants, which is signed by the undersigned agent of record by virtue of the Powers of Attorney from both Brokercom and Involv that are attached as Exhibit C.

VI. Assignment Filed with the Petition to Correct Inventorship

As part of the papers filed with the Petition to Correct Inventorship, Applicant filed a new assignment for the present application. In that assignment, all of the named inventors purported to assign their rights to Brokercom. However, upon further review of the ownership situation, it is understood it is understood that the previous assignments mentioned above and attached as Exhibits A and B are controlling. Therefore, to the extent that this new assignment assigned rights from certain inventors who had already assigned those rights to Involv, the assignment is ineffective and should be disregarded.

VII. Request to Correct Filing Receipt

A Request to Correct Filing Receipt is being filed concurrently herewith to correct an error that was recently identified in the Official Filing Receipt of the present application.

VIII. Information Disclosure Statements

Applicants have filed a number of Information Disclosure Statements over the course of the prosecution of the present application. Initialed copies of all of the PTO 1449 Forms that have not been returned to the Applicants. Specifically, the PTO 1449 Form for the Information Disclosure Statements filed on December 3, 2003, and May 21, 2004, have not yet been received by the Applicants. Applicants acknowledge that the Examiner has indicated that he will locate and forward the initialed forms in the next communication.

VIII. Conclusion

Based on the foregoing, Applicants submit that all of the claims are patentable over the cited art and respectfully requests reconsideration and an early indication of allowance. The Examiner is invited to contact the undersigned if any additional information is required.

1/21/05
Date

Respectfully submitted,


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